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Attorneys for Defendant

American Board of Medical Specialties

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ASSOCIATION OF AMERICAN PHYSICIANS & SURGEONS, INC.,) Civil Action No. 13-2609 (MLC) (LHG)

Plaintiff,

) **DEFENDANT AMERICAN BOARD OF MEDICAL SPECIALTIES' NOTICE OF MOTION TO DISMISS OR TRANSFER**

v.

) **DOCUMENT FILED ELECTRONICALLY**

AMERICAN BOARD OF MEDICAL SPECIALTIES,

Defendant.

) Return Date: July 15, 2013

) **ORAL ARGUMENT REQUESTED**

TO: Andrew L. Schlafly (aschlafly@aol.com)

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Far Hills, NJ 07931

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Attorneys for Plaintiff

Association of American Physicians & Surgeons, Inc.

PLEASE TAKE NOTICE that on **Monday, July 15, 2013 at 10:00 a.m.**, or as soon

thereafter as counsel may be heard, Defendant American Board of Medical Specialties (“ABMS”) shall appear before the Honorable Mary Louise Cooper, U.S.D.J., **Fisher Federal Building & U.S. Courthouse**, 402 East State Street, Trenton, New Jersey 08608, and shall move this Court for an Order dismissing Plaintiff’s Complaint pursuant to Federal Rules of Civil Procedure 12(b)(3) and/or 12(b)(6), or alternatively transferring this matter to the United States District Court for the Northern District of Illinois pursuant to 28 U.S.C. § 1404(a).

PLEASE TAKE FURTHER NOTICE that in support of its Motion, ABMS shall rely upon its Brief and on the Affidavit of Laura Skarnulis and Declaration of Jakob B. Halpern, submitted concurrently herewith; any Reply papers to be submitted; and oral argument, if any. Two proposed forms of Order are also submitted for the Court’s consideration.

PLEASE TAKE FURTHER NOTICE that oral argument is specifically requested.

Respectfully submitted,

SAIBER LLC
*Attorneys for Defendant
American Board of Medical Specialties*

s/ Arnold B. Calmann
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Dated: June 17, 2013

LOCAL CIVIL RULE 11.2 CERTIFICATION

Under Local Civil Rule 11.2, the undersigned counsel for Defendants hereby certifies that the matter in controversy is not the subject of any other pending action, arbitration or administrative proceeding.

SAIBER LLC
Attorneys for Defendant
American Board of Medical Specialties

s/ Arnold B. Calmann

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LOCAL CIVIL RULE 201.1 CERTIFICATION

Under Local Civil Rule 201.1, the undersigned counsel for Defendants hereby certifies that Plaintiff seeks declaratory and injunctive relief, and therefore this action is not appropriate for compulsory arbitration.

SAIBER LLC
Attorneys for Defendant
American Board of Medical Specialties

s/ Arnold B. Calmann

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